SECTION 8.4

Land Use

8.4 Land Use

8.4.1 Introduction

This section inventories existing land uses in the vicinity of the proposed site for the Modesto Irrigation District (MID) Electric Generation Station (MEGS) Project (Project) and discusses the potential land use impacts associated with the proposed Project. Land uses are described within one mile of the proposed Project and within a quarter-mile of the Project's linear corridors. The local, state, and federal jurisdictions potentially affecting the proposed Project are identified, as are their respective plans, policies, laws, regulations (including zoning) and potentially sensitive land uses. Planned development and land use trends in the area of the proposed Project are identified based on currently available development plans. Reasonably foreseeable future development projects within the affected area are noted, and the potential land use impacts associated with the proposed Project are assessed. The conformance of the proposed Project with local plans and regulations and the compatibility of the proposed Project with general land uses in the area are evaluated. No significant impacts to land use are expected to occur, therefore, no mitigation is necessary.

8.4.2 Laws, Ordinances, Regulations, and Standards

8.4.2.1 Local Land Use Plans and Policies

The MEGS Project site, the water supply pipelines, sewer pipeline, stormwater pipeline, subtransmission line, and natural gas transmission line are within the jurisdiction of the City of Ripon (City). The land use issues for the proposed Project have been identified and evaluated based on reconnaissance surveys, a review of current U.S. Geological Survey (USGS) topographic quadrangle maps, aerial photography, a review of local land use ordinances, polices and goals identified in the City of Ripon 2035 General Plan and EIR (Ripon General Plan) (City of Ripon, 1998), the San Joaquin County General Plan (San Joaquin County, 2000), associated maps, and other related documents, all referenced in Section 8.4.6.

Land use is controlled and regulated by a system of plans, policies, goals, and ordinances that are adopted by the various jurisdictions with land use authority over the area encompassed by the proposed Project. The general plan is a broadly scoped planning document and defines large-scale planned development patterns over a relatively long timeframe. The City of Ripon Zoning Ordinance (Ripon Zoning Ordinance, City of Ripon, 2002) is the primary tool for achieving the objectives of the Ripon General Plan. The Ripon Zoning Ordinance provides specifications for specific land uses within areas designated by the Ripon General Plan, and provides detailed specifications for allowable development. The zoning ordinances and general plans of San Joaquin County (San Joaquin County, 2000 and 2002) are similarly used to implement and plan land use goals related to the components of the proposed Project.

The 2035 General Plan for the City of Ripon is the appropriate document for this analysis; however, the City anticipates that an updated General Plan will be available for public review by July 2003.

City and County Land Use Policies

The Ripon General Plan includes specific policies to preserve and enhance existing development and to provide for orderly and appropriate new development of the City through the year 2035. Actions and approvals required by the City of Ripon Planning Department (Ripon Planning Department) must be consistent with the Ripon General Plan. The Ripon General Plan covers the following elements of planning:

- land use
- circulation (transportation)
- housing
- open space
- conservation
- safety
- noise
- economic development
- air quality
- historic preservation

Each element contains goals, policies, and implementation measures that may be pertinent to the proposed Project, including the linear facilities.

The proposed Project site exists within the geographic area named in the Ripon General Plan as the Core Area as well as the South Stockton Planning District, one of the 23 planning districts, study areas, or buffer areas assessed in the Ripon General Plan. Land use policies applicable to the proposed Project are summarized in Table 8.4-1. Analysis of land use policies for the proposed Project focused on the policies relevant to the characteristics of the proposed Project and related to the Core Area and South Stockton Planning District. In general, relevant characteristics include, but are not limited to, the siting of a utility facility and linear features, energy and infrastructure planning, public utilities, land supply, economic development in a area zoned for industrial uses, and rights-of-way (ROWs). Policies related to the other General Plan elements are found within their respective sections of this SPPE Application.

TABLE 8.4-1

City of Ripon General Plan Policies Applicable to the Project

General Plan Element	Goal	Policy	Project Conformity
Land Use and Growth Accommodations	Goal A: A balance between jobs, housing, educational and recreational opportunities.	A3. Urban development should be kept as contiguous as possible to avoid premature urbanization of valuable farm land, promote residence convenience, and provide for economy in City services.	Project site is within existing industrial area, zoned for industrial uses.
		A7. The City may require execution of a development agreement for any commercial or industrial development…	Development agreement is not applicable because of MID's public utility status
		A11. Development within the Stanislaus River floodplain….will be prohibited by the City except by special permit.	The Project site and linears are outside the 100-year flood zone.

TABLE 8.4-1
City of Ripon General Plan Policies Applicable to the Project

General Plan Element	Goal	Policy	Project Conformity
	E: Provide adequate public services to the community.	Policy E2. Industrial…development may install onsite water, wastewater treatment, and storm drain systems if approved by the City Engineer and City Council.	The Project proponent plans to install these utilities in coordination with the City.
Open Space and Conservation	Goal D: To reduce the impact of urban development on surrounding agricultural and riparian habitat as much as possible, consistent with the policies of the general plan.	Policy D1: Discourage premature conversion of agricultural lands to reduce the intrusion of urban development into agricultural areas.	Neither the Project site nor linear facilities are currently used or zoned for agriculture.
		Policy D3: Projects in the vicinity of the Stanislaus River should be referred to the California Department of Conservation for comment with regard to mineral resources in conjunction with Project CEQA reviews.	The Project site and linears are outside the 100-year flood zone and therefore does not require referral to CDC.
		Policy D4: The City shall require submittal of a Notice of Intent (NOI), and a copy of the Stormwater Pollution Prevention Plan (SWPPP) should be filed with the Regional Water Quality Control Board (RWQCB) prior to approval of improvement plans for any project greater than five acres.	The Project will be greater than 5 acres and an NOI and SWPPP will be submitted to the City prior to Project approval.
		Policy D7: The City shall review the siting and design of proposed terminal storm drainage and explore options for detention runoff in highly permeable materials adjacent to the Stanislaus River. These options may be coordinated with potential retirement of the City's sewage treatment facilities and future recreational development in this area.	The Project would not impair the City's ability to develop the sewage treatment facilities location for recreational purposes in the future.
		Policy D8: The City shall require verification of compliance of new industrial development and uses with applicable hazardous materials and waste regulations in conjunction with development plan review.	MID will prepare an internal hazardous materials plan, per current agreement with the County. A Risk Management Plan (RMP) will be prepared and submitted to the implementing authority if requested.

City and County Land Use Designations and Zoning Districts

The land use designations and zoning affected by the proposed Project for the City of Ripon and San Joaquin County (County) is presented in Figures 8.4-1 and 8.4-2 (all figures are located at the end of this section). For each respective jurisdiction, each general plan divides all land into specific land use designations and sets out provisions for specifying acceptable uses. Similarly, the zoning ordinances of each respective jurisdiction divide all lands into specific zoning districts that specify allowable uses and development standards. Typically, the land use designation and zoning district will be consistent with each other.

The land use designation for the Project site is Heavy Industry (HI) and it is zoned Heavy Industrial (M2). Areas designated as HI are intended for: manufacturing, processing, assembling, research, wholesale and storage uses, trucking terminals, railroad and freight stations, public and quasi-public uses, and similar compatible uses. Public utilities are allowable land uses within this designation (Tyhurst, 2002). The Project site exists within the M2 zoning district, for which the development of electrical utilities is a permitted use (Tyhurst, 2002). The Project site was zoned for industrial use prior to 1977 when the City of Ripon annexed lands from San Joaquin County (Tyhurst, 2003).

Several land use designations exist in the vicinity of the proposed Project site, the proposed electrical subtransmission line, water pipelines, and natural gas transmission line routes (refer to Figure 8.4-1). These land use designations comprise various levels of residential density, commercial uses, industrial uses, mixed uses, municipal uses, open space resource reserves, and agriculture, provided by the City of Ripon General Plan and the San Joaquin County General Plan.

Several zoning districts are within the vicinity of the proposed Project site, depicted in Figure 8.4-2. Various intensities of districts zoned for residential, commercial, and industrial uses are included, as well as professional offices, public services, resource conservation, and public use. Several of the zoning districts within the vicinity allow or conditionally permit utility facilities (industrial, public/semi-public). The development and maintenance of linear utility facilities within existing ROWs are generally allowable uses, and would be permitted through acquiring encroachment permits (Machado, 2002).

The natural gas pipeline exits the Project site to the north along/in South Stockton Avenue and terminates at the Pacific Gas and Electric Company (PG&E) pipeline interconnection located at the intersection of 4th Street and South Stockton. The overhead, electrical subtransmission line and fiber optic cable would exit the plant on the northeast side, continue northeast for approximately one-quarter mile along an unnamed access road and terminate on the southern side of the existing MID Stockton Substation. The development or maintenance of linear utility facilities in the City of Ripon, within an existing ROW, are allowable uses, subject to acquiring an encroachment permit (Machado, 2002). In addition, the installation of transmission lines (including the fiber optic communication cable) within City streets is allowable without an encroachment permit based on the franchise agreement executed between MID and the City of Ripon (City of Ripon, 1996).

The underground water supply (both potable and non-potable), sewer, wastewater, and stormwater pipelines for MEGS will be connected to new pipelines being constructed by the City of Ripon as part of infrastructure improvements along the extensions of South Stockton Avenue and Doak Boulevard. The MEGS water supply, wastewater and stormwater

pipelines will each be no more that 30 feet in length, and will tie into these new City pipelines (see Section 2.0, Project and Facility Description). The MEGS water supply and discharge pipelines will be installed beneath South Stockton Avenue ROW. South Stockton Avenue and Doak Boulevard will also be paved as part of the City's infrastructure improvements.

City and County Land Use Discretionary Approvals and Permits

The following discretionary land use approvals and permits would need to be obtained for the Project:

- **City of Ripon Planning Department – Site Plan Permit with Planning Commission Review.** As described in Chapter 16.24, Table 16.24.1 of the City of Ripon Zoning Ordinance, a site plan permit would be required for the MEGS Project. The site plan permit would require planning commission review. The planning commission review would occur as part of a general planning session and would not be open to the public. The session would be expected to take place within 60 days after submittal of the site plan permit application.
- **City of Ripon Engineering Department – Building and Grading Permits.** A building and grading permit would be required for the Project, in accordance with Chapter 15.04.010 of the City of Ripon Municipal Code. The building permit and grading permit are applied to through the City Engineering Department. Approval of the permits from the time of application subsequent to approval of the site plan permit is expected to take 2 months based on the complexity of the Project (Johnston, 2002).
- **City of Ripon Public Works Department – Encroachment Permit.** An encroachment permit would be obtained for the natural gas pipeline, in accordance with Chapter 12.12 of the City of Ripon Municipal Code. Provided MID currently has a franchise agreement in place with the City, approval of the permits from the time of application is expected to take approximately 3 weeks (Machado, 2002). No permits from San Joaquin County will be necessary because the Project is entirely within the City limits.

8.4.2.2 State Policies

The California Energy Commission (CEC) has both policy development and permitting responsibilities for thermal generating Projects that have a capacity of over 50 megawatts (MW). Generating facilities such as the proposed Project require CEC approval. However, since the Project is below 100 MW it may obtain a Small Power Plant Exemption from the CEC. The CEC's siting process has been deemed functionally equivalent to the California Environmental Quality Act (CEQA). The CEC serves as the lead agency and must follow appropriate State of California (State) law and guidelines.

The Williamson Act is a State land use policy that serves to preserve open space and agricultural land. The act discourages unplanned urbanization and prevents landowners from being forced to develop their property because their property taxes are based on the greater value of the land as represented by commercial or residential use. The Williamson Act is implemented by creating a voluntary contract with property owners that restricts the use of the land for 10 years and the landowner receives preferential property tax rates based on the current use of the land rather than its market value. The California Department of Conservation Office of Land Conservation administers lands under Williamson Act

contracts. The Project site is not subject to the Williamson Act (Jackson, 2003). For further discussion of the applicability of this act to the proposed Project and the potential impact to agricultural resources, refer to Section 8.9, Agriculture and Soils.

8.4.2.3 Federal Policies

No applicable federal land use policies have been identified for the proposed Project.

8.4.3 Setting

The affected environment of a project is defined as the study area boundary. For the MEGS Project, the affected environment includes, but is not limited to, the area within 1 mile of the proposed Project site and all lands within one-quarter mile of the proposed linear facilities. The land use designations and zoning districts, including jurisdictional boundaries in the affected environment, are shown in Figure 8.4-2. Existing land uses are summarized in Table 8.4-2.

As mentioned previously, the proposed Project site exists within the jurisdiction of the City of Ripon. The electrical subtransmission line, natural gas pipeline, and water pipelines are within the jurisdiction of the City of Ripon. As depicted in Figure 8.4-1, the San Joaquin and Stanislaus Counties maintain jurisdiction within the 1-mile radius around the Project site.

The approximately 12-acre proposed Project site is north of the corner of Doak Blvd and South Stockton Avenue extensions in the City of Ripon. MID is currently acquiring the Project site (see Figure 2-1). Currently, the proposed Project site is unused. Previous use of the site included agricultural uses, although the parcel has not been farmed for approximately 5 years (Tyhurst, 2003). Existing uses within the immediate area of the Project site include commercial and industrial uses. See Table 8.4-2 for a summary of existing uses.

TABLE 8.4-2
Existing Land Uses in Project Vicinity

Project Component	Jurisdiction	Existing Land Use (General Type)
MEGS proposed site	City of Ripon	Undeveloped, graded, and fallowed parcel, industrially zoned
MEGS Project vicinity	City of Ripon	Industrial, commercial, residential and mixed uses of varying density/intensity; public service facilities, parks, recreational uses, and resource conservation within floodplain of Stanislaus River
Proposed natural gas pipeline	City of Ripon	Within existing paved street; would front industrial, commercial, residential, and public service and facilities (to be constructed within Stockton Avenue)
Proposed non-potable and potable water pipelines	City of Ripon	Industrial uses (to be constructed within South Stockton Avenue)
Proposed sewer and stormwater lines	City of Ripon	Industrial uses (to be constructed within South Stockton Avenue)
Proposed electrical subtransmission line	City of Ripon	Industrial uses (would terminate at the existing MID Stockton Substation approximately 0.25 mile east of MEGS within Stockton Avenue)

The linear facilities for the Project include non-potable and potable water pipelines, wastewater discharge, sewer, and stormwater pipelines, electric subtransmission line, and natural gas pipeline. For further detail about the routes and alternatives analyzed, see Section 2, Project and Facility Description and Section 9, Alternatives. In general, the proposed for the electrical subtransmission line (including the fiber optic communication line), water pipelines, and natural gas pipeline occur in existing public ROWs within the City of Ripon, currently used for public streets. Existing land uses within the vicinity of the proposed routes for the electrical subtransmission line and water pipeline routes generally consist of industrial, residential, public facilities, commercial development, vacant lots and existing and reserved open space uses to the south, along the Stanislaus River. (There is generally no established access to the Stanislaus River in the vicinity of the Project). The electric subtransmission line would occur within an existing ROW.

The proposed Project site is within the sub-planning area, South Stockton Planning District (refer to Figure 8.4-1). The South Stockton Planning District contains the majority of the City of Ripon's industrial land uses (City of Ripon, 1998). The South Stockton Planning District consists of 338 acres and includes industrial, residential, urban core, public park, high school and resource reserve land use designations. The major public facilities improvement for this area is the widening and extension of Stockton Avenue as a minor collector and to extend Doak Boulevard, as identified in the Ripon General Plan. The extension of Doak Boulevard will accommodate traffic to the proposed Project site.

Potentially sensitive land uses within the area are generally limited. These uses could include residential and related uses such as medical facilities and places of worship northwest of the Project site, the school complex north of the Project site, recreational uses (Community Center) northwest of the Project site, and resource conservation areas near the Stanislaus River, south of the Project site. Sensitive uses can also include cultural and historical sites; the District includes Ripon's Central Business District, noted in the General Plan that most of the buildings and sites would have significant historical value (City of Ripon, 2002).

Nine City parks exist within the vicinity (i.e., 1-mile radius) of the Project site. The Community Center is within the South Stockton Planning District, north of the Project site, and consists of indoor recreational and event uses. As described in Table 8.4-1, the General Plan has identified the wastewater treatment pond area, south of the Project site, for possible development as a recreation area. See Section 8. 6, Public Health; Section 8. 3, Cultural Resources; and Section 8.11, Visual Resources for descriptions of potentially sensitive land uses other than recreational areas.

Section 8.9, Agriculture and Soils, describes the proximity of unique or prime farmland, as designated by the Natural Resources Conservation District. Section 8.9 also addresses Farmlands of Statewide Importance, as designated by the California Department of Conservation, and any potential Project-related impacts on such lands. The land use designations and zoning for each Project component are discussed in Section 8.4.3.

Development of the Project site would require payment towards the San Joaquin Multi-Species Habitat Conservation Plan (HCP). The HCP is administered by the San Joaquin Council of Governments. The applicability of the HCP to the Project is discussed in greater detail in Section 8.2, Biological Resources.

8.4.4 Impacts

In accordance with CEC guidelines, potential impacts to land use, planning, and recreation are summarized below.

8.4.4.1 Environmental Checklist

Table 8.4-3 includes the checklist used by the CEC to assess the significance of potential impacts.

TABLE 8.4-3
CEC Checklist to Assess Potential Impacts

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
LAND USE AND PLANNING — Would the Project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
RECREATION — Would the Project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X

8.4.4.2 Discussion of Impacts

Land Use Impacts

In accordance with the checklist criteria to address potential impacts to land use, the proposed Project will not have a significant impact to land use. The proposed Project, including linear facilities, is an allowable use within the existing land use designations and zoning districts prescribed by the jurisdictions affected by the Project. The proposed Project will exist in an area for which it is compatible with existing, surrounding land uses. Surrounding land uses within the vicinity of the Project site include a mixture of urbanized uses, and predominantly include commercial and industrial uses.

The proposed Project conforms to Ripon land use policies. The proposed Project is consistent with the City of Ripon Planning Department's ability to permit the enlargement

of public facilities within the city limits. Installation of the electrical subtransmission line and water pipelines is consistent with Ripon's policy on the use of public ROWs for public utility activities typically found in public ROWs.

The proposed Project is consistent with the current general land use designation and zoning districts of the location where the Project will be sited, including the linear facilities associated with the Project. In general, linear facilities associated with the Project are permitted or conditionally permitted uses for the zoning districts within which they will exist.

The proposed Project would not conflict with the applicable HCP for the Project site because compliance with the HCP would be met through payment of fees as described in Section 8.2, Biological Resources.

Recreation Impacts

In accordance with the checklist criteria for addressing potential impact to recreational uses, the proposed Project will not have an impact. In general, the Project would not contribute to increased use of open space resources to the south of the Project near the Stanislaus River because no established access to the Stanislaus River, south of the Project site, exists within the vicinity of the Project and the project will not create such access. No recreational areas, including the potential development of the wastewater treatment ponds south of the Project site for such uses, would be affected such that increased use would contribute to the deterioration of a recreational resource. The proposed Project does not involve a recreational project that could have an adverse physical effect on the environment.

8.4.4.3 Cumulative Impacts

Other existing and planned land use projects for the City of Ripon within the Project vicinity were reviewed with the City of Ripon Planning Department (Tyhurst, 2002). The following major, planned construction projects are proposed to occur in the vicinity of the proposed Project site:

- City of Ripon Compressed Natural Gas (CNG) station at 240 Doak Blvd, completion in approximately 24 months.
- City of Ripon Animal Shelter at 444 Doak Blvd, completed in December 2002.
- City of Ripon Corporation Yard Expansion at 620 Doak, completion date is unknown.
- Aartman Milk Transport Expansion, 805 S. Locust Ave, completion date is unknown, not yet approved.
- NuLaid Foods, Inc. Expansion, 200 Fifth St, completion date is unknown, not yet approved.
- Lombardy Estates Industrial Park, Doak Blvd between S. Stockton Avenue and S. Acacia Avenue, completion expected in April 2004.
- Poppy Hills Residential Subdivision west of project site off of Doak Boulevard and across street from golf course, construction to begin Summer 2003 and expected to be completed in phases by Summer 2006.

- City of Ripon Doak Boulevard Extension located from Vera Avenue and South Stockton, completion expected Summer 2003.

The proposed Project will not contribute to conflicts in current and planned land use designation, zoning, or policies in conjunction with these projects. The proposed Project constitutes land uses compatible to the industrial and commercial projects proposed in the vicinity of the proposed Project. Similar to the proposed Project, these projects are consistent with goals for the area and are consistent with current land use designations, zoning, and policies.

8.4.5 Involved Agencies and Agency Contacts

Table 8.4-4 provides a list of interested agencies and agency contacts.

TABLE 8.4-4
List of Agency Contacts for the Proposed Project

Agency	Name/Title	Phone Number/Address
City of Ripon, Planning Department	Ernest Tyhurst, Planning Division Manager	(209) 599-2108/ 259 N. Wilma Avenue, Ripon CA 95366
City of Ripon Public Works Department	Ted Johnston, Public Works Director	(209) 599-2151/ 1210 S. Vera Avenue, Ripon CA 95366
City of Ripon Engineering Department	Matt Machado, City Engineer	(209) 599-2108/ 259 N. Wilma Avenue, Ripon CA 95366
San Joaquin County Community Development Department	Chandler Martin, Senior Planner	(209) 468-3144/1810 E. Hazelton Ave., Stockton, CA 95205
San Joaquin County Public Works Department	John Wotila, Engineering Assistant 1	(209) 468-3000/1810 E. Hazelton Ave., Stockton, CA 95205

8.4.6 References

City of Ripon. 2002 (as amended). City of Ripon Zoning Ordinance.

City of Ripon. 1998. City of Ripon General Plan & EIR 2035. September.

City of Ripon. 1996. Permission Agreement Between the City of Ripon and Modesto Irrigation District. May 21.

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Johnston, Ted. 2002. City of Ripon Public Works Director. Personal communication with Katy Carrasco, CH2M HILL. December 9.

Machado, Matt, 2003. City of Ripon City Engineer. Personal communication with Katy Carrasco, CH2M HILL. January 16.

San Joaquin County. 2000. San Joaquin County Multi-Species Habitat Conservation and Open-Space Plan. November 14. (version accessed at: http://www.sjcog.org on March 14, 2001).

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Tyhurst, Ernest, 2003. City of Ripon Director of Planning and Economic Development. Personal communication with Susan Strachan, Strachan Consulting. February 11.

Tyhurst, Ernest, 2002. City of Ripon Director of Planning and Economic Development. Personal communication with John Carrier, CH2M HILL. October 4.

Wotila, John. 2002. San Joaquin County Public Works Department Engineering Assistant 1. Personal communication with Katy Carrasco, CH2M HILL. December 9.